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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**NOTICE OF MOTION No. 4320 OF 2006
IN
ARBITRATION PETITION (L) No. 522 OF 2006**

Girish Reddy ... Petitioner

Vs.

Principal Chief Engineer,
Central Railway, Mumbai ... Respondent

Mr. A. S. Rao, Advocate for the
petitioner/applicant.

Ms. Seema Chhetre i/b Suresh Kumar, Advocate
for the respondent.

CORAM : D. G. KARNIK, J.

DATE : MARCH 8, 2007.

PC :-

. Heard the learned counsel for the
parties.

2. This application is made for
condonation of delay of 7 days in filing the
petition under S. 34 of the Arbitration &
Conciliation Act 1964.

3. Sub-section (3) of section 34 of the
Arbitration & Conciliation Act empowers the

court to condone the delay, of not exceeding 30 days, if the court is satisfied that sufficient cause has been shown for not making the application within the period prescribed. In paragraph 4 and 5 of the Notice of Motion, the petitioner has explained the delay. No affidavit in reply has been filed, denying the averments in the Notice of Motion. In the circumstances, the averments are deemed to be admitted. Hence, the delay is condoned and the motion is allowed in terms of prayer clause

(a).

Sd/-
[D.G. KARNIK, J.]